



## 5.0 ENVIRONMENTAL LAWS AND COMPLIANCE (\*NEPA REQUIRED)

Civil works studies and projects should be in compliance with all applicable Federal environmental statutes and regulations and with applicable State laws and regulations where the Federal government has clearly waived sovereign immunity. The CEMVN will continue to coordinate with Federal and state resource agencies on the EIS. Status of compliance with the various laws and EOs is presented in Table 5-1 below. See Appendix A, Annex J for a summary of applicable laws and regulations and for a more detailed discussion of agency coordination and project compliance.

**Table 5-1: Status of environmental compliance.**

| Law, Regulation, or Policy  | Status                 | Comments   | Full Compliance Expected   |
|---|------------------------|--|--|
| Anadromous Fish Conservation Act of 1965  | Coordination concluded | Anadromous fish species would not be affected by the proposed action. Coordination with NMFS is concluded.   | Full compliance achieved upon publication and review of the Integrated Final Report & EIS  |
| Bald and Golden Eagle Protection Action of 1940                                   | Coordination concluded | The RP would have no effect on bald or golden eagles, or their critical habitat.   | Full compliance achieved upon publication and review of the Integrated Final Report & EIS  |
| Clean Air Act of 1970   | Coordination concluded | In accordance with Section 309, NEPA and CEQ regulations EPA rated the Revised Draft EIS as "EC-1" i.e., EPA has environmental concerns and requests additional information in the Final EIS.<br>Sec. 176: Project area currently in attainment of NAAQS. No general conformity determination required | Full compliance achieved following EPA review of Integrated Final Report & EIS.  |
| Clean Water Act of 1977   | Coordination concluded | Section 401: water quality certification from LDEQ requested for NER Plan; not required for NED Plan.<br>Section 404: A 404(b)(1) Evaluation not required for NED Plan. 404(b)(1) evaluation prepared.   | Full compliance achieved. NED RP would not affect waters of the U.S. NER RP Section 401 Water Quality Certification signed July 6, 2015; Section 404(b)(1) signed February 18, 2016  |
| Coastal Zone Management Act of 1972   | Coordination ongoing   | Consistency Determination for NER RP submitted to LDNR for consistency review with the Louisiana Coastal Resource Program on January 5, 2016.  | February 12, 2016 letter provides full consistency for NED RP and phased consistency for NER RP. Continued coordination with LDNR, OCM requesting additional clarifying letter, per HQ request, regarding specific outstanding issues necessary to be completed before full consistency is granted for NER RP. |
| Coastal Barrier Resources Act of 1982 and Coastal Barrier Improvement Act of 1990 | Coordination concluded | By letter dated April 4, 2016 CEMVN requested USFWS to make a determination that the proposed NER RP breakwaters measures fall within an exemption to the limitation, under 16 USC 3505(a), prohibiting Federal expenditures on projects within a unit of the Coastal Barrier Resources Act (CBRA).    | Full compliance achieved upon receipt of letter dated April 7, 2016 from the USFWS indicated their determination that the proposed breakwaters fall within the exception under 16 USC 3505(a) and publication and public review of the Integrated Final Report & EIS.  |
| Endangered Species Act of 1973  | Coordination concluded | A Biological Assessment (BA) for NER Plan submitted to USFWS on March 11, 2015; USFWS concurred on March 20, 2015. BA submitted to USFWS for NED RP on July 17, 2015; USFWS concurred on August 25, 2015. A BA for the NER RP was submitted to NMFS on March 12, 2015.                                 | Consultation with USFWS concluded with their letters of concurrence dated March 20, 2015 (NER RP) and August 25, 2015 (NED RP). Consultation with NMFS concluded with their letter of concurrence dated January 26, 2016.  |
| Estuary Protection Act of 1968  | Coordination concluded | NED RP would not impact estuaries. NER RP would positively benefit estuaries via marsh restoration and shoreline protection; there would be no significant adverse impacts to estuaries.   | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |





| Law, Regulation, or Policy  | Status  | Comments   | Full Compliance Expected  |
|---|---|--|---|
| Farmland Protection Policy Act of 1981  | Coordination concluded                                    | NRCS concurred with our determination by letter dated December 13, 2013 that the RPs will not “irreversibly” impact prime farmland and is therefore exempt from the rules and regulations of Section 1539-1549 of Farmland Protection Policy Act.              | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.   |
| Federal Water Project Recreation Act of 1965  | Coordination concluded                                    | Recreational opportunities have been analyzed and documented in Final EIS.   | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.   |
| Fish and Wildlife Coordination Act of 1958  | Coordination ongoing                                      | USFWS provided a draft Fish and Wildlife Coordination Act Report (CAR) dated Nov 5, 2013; a supplemental letter dated Dec 3, 2013; and revised draft CAR February 2015.  | Full compliance achieved with receipt of Final FWCAR on February 3, 2016 and publication and review of Final Integrated Report & EIS.   |
| Magnuson-Stevens Fishery Conservation and Management Act of 1976  | Coordination ongoing                                      | NMFS April 29, 2015 comment letter regarding use of BMPs during construction and updated list of EFH to be included in Appendix A and documented in the Final Report & EIS.  | Full compliance achieved by receipt of NMFS January 28, 2016 letter of concurrence that proposed action is not likely to affect listed species under NMFS purview. USACE January 28, 2016 letter of response to NMFS comments on EFH. |
| Marine Mammal Protection Act of 1972  | Coordination concluded                                    | With implementation of the RP & BMP the West Indian Manatee and dolphin is not likely to be adversely affected.  | Full compliance achieved by January 26, 2016 consultation letter of concurrence from NMFS; and, USFWS consultation letters of concurrence dated March 20, 2015 (NER RP) and August 25, 2015 (NED RP).                                 |
| Marine Protection, Research, and Sanctuaries Act of 1972  | Coordination concluded                                    | No adverse impacts of the RP are anticipated to the resources under this Act.  | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.   |
| Migratory Bird Treaty Act of 1918 and Migratory Bird Conservation Act of 1929                           | Coordination concluded                                    | Based on review of existing data and preliminary field surveys, the CEMVN finds that implementation of the RPs would have no adverse effect on colonial nesting water birds or other migratory species.  | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.   |
| National Environmental Policy Act of 1969   | Coordination ongoing                                      | Revised Draft EIS was released for 45-day public review and comment on March 24, 2015.   | Full compliance achieved upon release of the Integrated Final Report & EIS for 30 day review and signing of the ROD.  |
| National Historic Preservation Act of 1966, as amended  | Consultation ongoing per executed Programmatic Agreements | Consultation with SHPO, ACHP, and federally-recognized Tribes is ongoing. Two Section 106 programmatic agreement documents have been executed for the Final EIS.   | Full compliance Section 106 consultation achieved with signing and execution among parties (USACE, SHPO, ACHP) for Programmatic Agreements for both NED and NER RPs on February 26, 2016.   |
| Submerged Lands Act of 1953   | Coordination concluded                                    | Impacts coordinated with LDNR (Coastal Zone Management) and LDEQ and EPA (Clean Water Act) for activities in state waters and federal waters; also coordinated through NEPA with release of Draft EIS.   | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.   |
| Rivers and Harbors Act of 1899  | Coordination concluded                                    | Coordinate dredging activities in navigable waters including Calcasieu River & Pass, Freshwater Bayou, Mermentau River and Vermilion River and Bay; coordination through Clean Water Act Sections 401 and 404, and release of Integrated Final Report and EIS. | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.   |
| Resource Conservation and Recovery Act of 1976; Comprehensive Environmental Response, Compensation, and | Coordination concluded                                    | For NER RP an HTRW Phase I ASTM-compliant site assessment completed July 2015. NED RP, a Phase I Environmental Site Assessment will be conducted for each structure to confirm the absence of HTRW   | Full compliance achieved for NER RP with July 2015 HTRW Phase I ASTM compliant assessment completed. The NED RP HTRW Phase I would  |



| Law, Regulation, or Policy   | Status                 | Comments   | Full Compliance Expected   |
|--|------------------------|--|--|
| Liability Act of 1980; Toxic Substances Control Act of 1976                    |                        | prior to implementation of nonstructural measures.   | be completed on a structure-by-structure basis to confirm absence of HTRW prior to implementation of nonstructural measures. If any HTRW would need to be resolved by structure owner or could not participate in project. |
| Wild and Scenic River Act of 1968  | Coordination concluded | The northern reach of the Calcasieu River that is designated as a Wild and Scenic river is in northeastern Calcasieu Parish and will not be affected by the proposed actions.  | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |
| EO 11514 Protection and Enhancement of Environmental Quality, 1970             | Coordination concluded | The impacts to the quality of the environment due to implementation of the NED RP and NER RP were reported to the public in the NEPA documentation of the Draft EIS.   | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |
| EO 11988 Floodplain Management, 1977   | Coordination concluded | Coordination accomplished through identification of flood hazards and actions taken to avoid long and short term impacts associated with occupancy and modification of the floodplain and to avoid floodplain development as disclosed in the Draft EIS and copy of report to Floodplain Manager for parishes in study area. | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |
| EO 11990 Protection of Wetlands, 1977  | Coordination concluded | Measures to avoid, minimize, and reduce impacts to wetlands will be maximized to the extent possible. The NER Plan provides wetland restoration. No compensatory mitigation for unavoidable impacts is anticipated for either the NED RP or NER RP.  | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |
| EO 12898 Environmental Justice for Low Income and Minority Populations, 1994   | Coordination concluded | No disproportionate adverse impacts to EJ communities (see Appendix A, Annex O) were identified.   | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |
| EO 13112 Invasive Species, 1999  | Coordination concluded | The project is not expected to lead to propagation of invasive species.  | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |
| EO 13175 Consultation and Coordination with Tribal Governments, 2000           | Coordination ongoing   | Consultation with federally-recognized Tribes is ongoing. Consultation would continue through all phases of implementation of the RPs.   | Full compliance achieved upon execution of the PAs and implementation of the terms of the Section 106 agreements.  |
| EO 13186 Responsibilities of Federal Agencies to Protect Migratory Birds, 2001 | Coordination concluded | No compensatory mitigation for unavoidable project-induced impacts to bird and wildlife habitat is anticipated.  | Full compliance achieved upon publication and public review of the Integrated Final Report & EIS.  |

### 5.1 Fish and Wildlife Coordination

The Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) provides authority for the USFWS involvement in evaluating impacts to fish and wildlife from proposed water resource development projects. It requires Federal agencies that construct, license, or permit water resource development projects to first consult with the USFWS, the NMFS, and state resource agencies regarding the impacts on fish and wildlife resources and measures to mitigate impacts. In accordance with Section 2(b) of the FWCA, the USFWS provided a Draft Coordination Act Report (Draft CAR) dated November 5, 2013. Due to later modifications to the proposed plan, USFWS provided a revised Draft CAR dated December 3, 2013. In connection with the recommended NED and NER TSPs detailed in this report, USFWS most recently provided a Revised Draft CAR dated February 2015. These documents can be found in Appendix A, Annex G. The USFWS' position and recommendations on the final NED and NER Recommended Plan (RP) are provided in its February 3, 2016 Final CAR. Those recommendations, along with CEMVN's responses, are set forth below:

**Service Position and Recommendations on Integrated Final Report and EIS and USACE Responses**

1. To the greatest degree practical, borrow pits for construction of marsh creation measures should be located to avoid and minimize direct and indirect impacts to vegetated wetlands. Borrow pit construction should also avoid the following:
  - a. avoid inducing wave refraction/diffraction erosion of existing shorelines
  - b. avoid inducing slope failure of existing shorelines
  - c. avoid submerged aquatic vegetation
  - d. avoid increased saltwater intrusion
  - e. avoid excessive disturbance to area water bottoms
  - f. avoid inducing hypoxia

*RESPONSE: CEMVN will work closely with the USFWS and other interested natural resource agencies during the PED and construction phases to further refine a design that minimizes adverse impacts.*

2. Marsh creation measures should avoid, to the degree practical, areas of dense submerged aquatic vegetation.  
*RESPONSE: CEMVN will work closely with the USFWS and other interested natural resource agencies during the PED and construction phases to further refine a design that minimizes adverse impacts.*

3. The Corps should monitor ecosystem restoration features to document the degree of success achieved. We recommend the Service and other interested natural resource agencies be included in developing those monitoring criteria and in the review of subsequent monitoring information and reports.

*RESPONSE: The voluntary NED RP is not anticipated to require any monitoring. Regarding the NER RP, as documented in the Adaptive Management and Monitoring Plan (Appendix A, Annex L) monitoring performance measures are described for pre-construction/baseline data, during construction, and post-construction monitoring that will be utilized to determine restoration success. Monitoring of each element will continue until the trajectory of ecological change and/or other measures of project success are determined to have been attained, as defined by project-specific objectives. However, in accordance with the provisions of Section 2039 of the Water Resources Development Act of 2007, Federal participation in the cost of such monitoring is limited either to a period of 10 years from the date of the completion of initial construction of each element, or to the date upon which minimum restoration success is determined to be achieved, whichever date first occurs. All cost of monitoring that extends beyond 10 years from the date of initial construction of each element is 100 percent the cost of the non-Federal sponsor. CEMVN will work closely with the USFWS and other interested natural resource agencies in refining monitoring criteria and in review of monitoring information.*

4. The Corps should obtain a right-of-way from the Service prior to conducting any work on Sabine or Cameron Prairie National Wildlife Refuges, in conformance with Section 29.21-1, Title 50, Right-of-Way Regulations. Issuance of a right-of-way will be contingent on a determination that the proposed work will be compatible with the purposes for which the Refuge was established.

*RESPONSE: Two marsh restoration measures, Features 124d and 3c1 are partially located on USFWS property (Sabine National Wildlife Refuge and Cameron Prairie National Wildlife Refuge, respectively) and are included in the NER RP. These features are vitally important to help preserve the Calcasieu Lake rim and prevent vast new expanses of open water from forming should the lake rim be breached by erosional forces. All NED and NER RP features (including those recommended for appropriation and construction by USFWS) represent the "Federal Plan". Because USFWS is ultimately responsible for managing its refuge lands, USACE is not seeking authorization and funding for Features 124d and 3c1 (the USFWS features). The NED RP and the subset of NER features that are recommended for authorization and appropriation by USACE (all features minus 124d and 3c1) represent the "Corps Plan". Rather, USACE supports USFWS in seeking its own authorization and appropriation to construct the USFWS features and offers USFWS the information that USACE developed under this study effort as a starting point for USFWS efforts to obtain independent authorization and funding for the USFWS features of the Federal Plan. These two USFWS features are not included in the LERRDs necessary for the construction and OMRR&R of the Corps Plan.*

5. All planning, design, or other construction-related activities (e.g., surveys, geotechnical borings, etc.) conducted on National Wildlife Refuges (NWRs) will require the Corps to obtain a Special Use Permit





from the Refuge Manager of the Southwest Louisiana Refuge Complex. We recommend that the Corps request issuance of a Special Use Permit well in advance of conducting any work on the refuge. Please contact the Refuge Manager (337/598-2216 or [SWLRCComplex@fws.gov](mailto:SWLRCComplex@fws.gov)) for further information on compatibility of proposed ecosystem restoration measures, and for assistance in obtaining a Special Use Permit. Close coordination by both the Corps and its contractor must be maintained with the Refuge Manager to ensure that construction and maintenance activities are carried out in accordance with provisions of any Special Use Permit issued by the NWR.

*RESPONSE: Two marsh restoration measures, Features 124d and 3c1 are partially located on USFWS property (Sabine National Wildlife Refuge and Cameron Prairie National Wildlife Refuge, respectively) and are included in the NER RP. These features are vitally important to help preserve the Calcasieu Lake rim and prevent vast new expanses of open water from forming should the lake rim be breached by erosional forces. All NED and NER RP features (including those recommended for appropriation and construction by USFWS) represent the "Federal Plan". Because USFWS is ultimately responsible for managing its refuge lands, USACE is not seeking authorization and funding for Features 124d and 3c1 (the USFWS features). The NED RP and the subset of NER features that are recommended for authorization and appropriation by USACE (all features minus 124d and 3c1) represent the "Corps Plan". Rather, USACE supports USFWS in seeking its own authorization and appropriation to construct the USFWS features and offers USFWS the information that USACE developed under this study effort as a starting point for USFWS efforts to obtain independent authorization and funding for the USFWS features of the Federal Plan. These two USFWS features are not included in the LERRDs necessary for the construction and OMRR&R of the Corps Plan.*

6. The Corps should contact the Louisiana Department of Wildlife and Fisheries prior to conducting any work on Rockefeller Refuge (337-491-2593).

*RESPONSE: The CEMVN will contact the Louisiana Department of Wildlife and Fisheries (LDWF) at 337-491-2593, well in advance of conducting any work on the Rockefeller Refuge; however the non-Federal sponsor bears all responsibility for obtaining right of entry from DWF and the performance of any relocations necessary for the construction and OMRR&R of this feature of the project.*

7. We recommend the Corps continue to coordinate with the Service throughout planning and construction to ensure that the proposed project does not impact waterbird nesting colonies, threatened or endangered species, or species that may be listed in the future.

*RESPONSE: The CEMVN will continue to coordinate with the USFWS throughout planning and construction to ensure that the proposed project features do not impact waterbird nesting colonies, or threatened or endangered species that may be listed in the future. CEMVN notes that the eligibility of any structure to participate in the non-structural measures of the NED RP is dependent, in part, upon the absence of any threatened or endangered species that would be impacted by the applicable flood proofing measure.*

8. We recommend the Corps coordinate with the Service, LDWF, and other interested natural resource agencies when developing detailed plans regarding restoration measures, especially during the Preliminary Engineering and Design Phase (PED) and construction phase, for measures where specific recommendations have been provided below.

*RESPONSE: CEMVN will work closely with the USFWS, the LDWF, and other interested natural resource agencies during the PED and construction phases to achieve a design that minimizes adverse impacts.*

9. To the greatest degree possible, sediment pumping should be conducted during non-growing season periods to reduce possible salinity impacts on adjoining vegetation.

*RESPONSE: CEMVN will work closely with the USFWS and other interested natural resource agencies during the PED and construction phases to achieve a design that minimizes adverse impacts (response applies to recommendations 11 through 14).*

10. Because Calcasieu Lake is a public Oyster Seed Ground administered by the LDWF, the Corps should contact LDWF prior to conducting construction activities within Calcasieu Lake.

*RESPONSE: The CEMVN will contact the LDWF prior to conducting construction activities within Calcasieu Lake, especially with regard to the Oyster Seed Ground area.*



**Service recommendations regarding specific ecosystem restoration measures are provided below:**

**11. Marsh creation measures south of Grand Chenier (47a1, 47a2, and 47c1)**

- a. Combined, these measures would convert over 2,000 acres of existing shallow open water to solid marsh. We recommend that some of those open water areas not be filled to maintain aquatic habitat (i.e., ponds) used by fisheries, waterfowl, and other wildlife.
- b. To avoid saltwater entrapment impacts, the engineers are encouraged to design channels to provide drainage/water exchange, and avoid ponding of Gulf water effluent within or adjacent to the fill areas. Similarly, we recommend any ponds or enclosed non-fill areas have drainage channels (existing or man-made) to carry away Gulf water effluent and avoid concentration of salts.
- c. To pump into eastern and western extremes of the designated fill area, the pipeline route should depart from that designated route only within the proposed fill area, and should be routed through unvegetated open water areas, to avoid impacting existing marshes.

*Response: a. The CEMVN does not concur with the USFWS's recommendation that some of the open water areas not be filled. The CEMVN's experience with beneficial use of dredged material and other marsh restoration projects throughout coastal Louisiana has clearly demonstrated that the extensive coastal marsh and land loss driving factors, the different borrow sediment grain sizes and differential settling will rapidly erode and solid marsh platform resulting and naturally develop interior ponds and hydrologic connections with surrounding waters.*

*b. The CEMVN concurs with avoiding saltwater entrapment impacts, providing drainage and water exchange, and draining ponds and non-fill areas. However, the CEMVN reserves the right to determine and utilize best practical methods and BMP's will be utilized to avoid potential saltwater entrapment impacts, to avoid ponding of Gulf water effluent within or adjacent to the fill areas. The CEMVN does not anticipate having any enclosed non-fill areas.*

*c. The CEMVN will utilize BMPs to follow designated dredge pipeline route and, if it becomes necessary to deviate from designated route, to route pipeline through unvegetated open water areas and avoid impacting existing, non-targeted marshes.*

**12. Marsh creation along Freshwater Bayou Canal (measures 127c3 and 306a1)**

- a. To avoid saltwater effluent impacts, we recommend the effluent be drained toward Freshwater Bayou Canal and not into the interior marshes. After construction, once saltwater drainage from the fill areas has been completed, those drainage routes should be plugged and drainage of the fill areas should be redirected into interior marshes.
- b. If a containment dike is constructed adjacent to the Freshwater Bayou Canal, the Service recommends that it not be degraded after construction so that it can help to maintain the desired hydrologic isolation of the interior marshes from the canal.

*RESPONSE: a. The CEMVN concurs with avoiding saltwater effluent impacts. However, the CEMVN cannot, at this time concur with routing dredge borrow effluent, which may be slightly higher in salinity than the marsh restoration site, into Freshwater Bayou. The CEMVN believes the need to nourish adjacent highly degraded marshes would generally take precedence. However the CEMVN will work closely with the USFWS and other interested natural resource parties during PED and during construction phases to achieve a design that maximizes marsh restoration and nourishment, minimizes adverse impacts related to higher salinities waters in less saline marsh areas, and maintains hydrologic connectivity where appropriate and determined applicable to the specific locations.*

*b. The CEMVN will consider and work closely with the USFWS and other natural resource agencies during PED and construction phases if a containment dike is required adjacent to Freshwater Bayou Canal and to determine if allowing the containment dike to remain would provide greater benefits than degrading it.*

**13. Marsh creation near Mud Lake (measure 124c)**

- a. This measure would convert over 1,900 acres of existing shallow open water to solid marsh. We recommend that some of those open water areas not be filled to maintain aquatic habitat (i.e., ponds) used by fisheries and waterfowl.
- b. To avoid saltwater entrapment impacts, the engineers are encouraged to design channels to provide drainage/water exchange, and avoid ponding of Gulf water effluent within or adjacent to the fill



areas. Similarly, we recommend any ponds or enclosed non-fill areas have drainage channels (existing or man-made) to carry away Gulf water effluent and avoid concentration of salts.

- c. The proposed containment dikes along the western and southeastern fill area boundaries may block existing drainage routes for marshes adjacent to the fill area. To avoid potential saltwater entrapment impacts and impaired drainage impacts, we recommend weir boxes along those sections of dike be eliminated unless the presence of unimpeded drainage routes can be documented.

RESPONSE: a. The CEMVN does not concur with leaving some open water areas. Please see response to #12 above.

b. The CEMVN concurs with designing and using BMPs to provide avoid saltwater entrapment impacts, to avoid ponding Gulf water effluent within or adjacent to the fill areas, and to have drainage channels to carry away Gulf water effluent to avoid concentration of salts. The CEMVN reserves the right to determine best practical methods, refined designs during PED and implementation during construction.

c. The CEMVN will utilize the best practical methods, determine refined designs during PED, best BMPs during construction implementation to avoid potential saltwater entrapment impacts and impaired drainage impacts regarding containment dikes along western and southeastern fill area boundaries. For a, b and c, the CEMVN will work closely with the USFWS and other interested natural resource parties during PED and construction phases to achieve a design that maximizes marsh restoration and nourishment, minimizes adverse impacts such as saltwater entrapment, avoid ponding of Gulf water effluent and maintain hydrologic connectivity where appropriate and determined applicable to the specific locations.

#### 14. Marsh creation near West Cove (measure 124d)

- a. To prevent ponding impacts and saltwater entrapment impacts to marshes south of the fill area, we recommend the containment dike designs avoid closing both canals that provide drainage for the fill area and adjacent marshes.
- b. If funding is provided to the Service to construct this or other measures located on National Wildlife Refuges, that funding should include funding necessary to cover the necessary administration, engineering, and design work.

RESPONSE: a. CEMVN is not seeking authorization and funding for measure 124d. That measure will not be authorized or implemented as a part of the Corps Plan for the NER RP. Rather, the NER RP will recommend that information regarding measure 124d be submitted to USFWS for its decision to independently seek Congressional authorization and appropriation for implementation by USFWS.

b. Two marsh restoration measures, Features 124d and 3c1 are partially located on USFWS property (Sabine National Wildlife Refuge and Cameron Prairie National Wildlife Refuge, respectively) and are included in the NER RP. These features are vitally important to help preserve the Calcasieu Lake rim and prevent vast new expanses of open water from forming should the lake rim be breached by erosional forces. All NED and NER RP features (including those recommended for appropriation and construction by USFWS) represent the "Federal Plan". Because USFWS is ultimately responsible for managing its refuge lands, USACE is not seeking authorization and funding for Features 124d and 3c1 (the USFWS features). The NED RP and the subset of NER features that are recommended for authorization and appropriation by USACE (all features minus 124d and 3c1) represent the "Corps Plan". Rather, USACE supports USFWS in seeking its own authorization and appropriation to construct the USFWS features and offers USFWS the information that USACE developed under this study effort as a starting point for USFWS efforts to obtain independent authorization and funding for the USFWS features of the Federal Plan. It is assumed that if USFWS does determine to seek independent Congressional authorization and funding for the USFWS implementation of these measures, that it will request adequate funding necessary to address the cost of USFWS efforts to administer, design and implement such work.

This final report is submitted in fulfillment of the requirements of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), and constitutes the final report of the Secretary of the Interior as required by Section 2(b) of that Act. This report has incorporated comments made by the National Marine Fisheries Service (see Appendix A) on our draft Coordination Act Report dated February 26, 2015. No comments on our February 2015 draft Coordination Act Report were received from the Louisiana Department of Wildlife and Fisheries.



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